

REMARKS

In the subject Office Action dated 23 March 2005, the pending claims 1-18 were examined. In response thereto, Applicants have canceled claims 5, 7-8 and 15. Applicants have amended claims 1, 6, 9-14, 16, and 19. Claims 20-22 are new. Claims 2-4, 17 and 18 remain pending. Applicants assert that all amendments are supported by the originally filed Specification and do not introduce new matter. Moreover, Applicants provide these amendments pursuant to 37 CFR § 1.116 and aver that the amendments do not introduce new issues.

In the subject Office Action, claims 1-10, 12-13, 15, and 19 were rejected under 35 U.S.C. 102(b) as anticipated by US 5,465,895 to Knodel et al.. Claims 16-19 were rejected under 35 U.S.C. 102(b) as anticipated by US 5,762,256 to Mastri et al. Claims 11 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,465,895 to Knodel et al.

Turning to independent claim 1, the claim as amended recites in part a firing mechanism comprising an axle passing through the firing control, an engagement member operatively configured to rotate about the axle into engagement with the firing member, and a biasing wheel attached to the axle that contacts a friction surface attached to the handle housing to effect engagement of the engagement member to the firing member during firing direction of the firing control and to rotate the engagement member away from the firing member during the opposite return direction of the firing control for multi-stroke firing with reduced ratcheting noise and with reduced likelihood of binding in the firing mechanism.

In the subject Office Action, claims 1-10, 12-13, 15, and 19 were rejected under 35 U.S.C. 102(b) as anticipated by US 5,465,895 to Knodel. However, neither Knodel or the other cited references disclose or suggest incorporating a biasing wheel that engages a friction surface attached to the housing that both rotates the engagement member into engagement with the firing member during firing strokes but also rotates the engagement member out of engagement between strokes. Consequently, Knodel fails to anticipate the claimed invention.

Moreover, modifying the disclosures of the cited references to incorporate such structures was nonobvious. In particular, none of the cited references appreciate the problem of ratcheting noise emanated by a firing mechanism as a pawl is dragged backwards between firing strokes, and thus there was no motivation to modify these generally known firing mechanisms to raise an engagement member out of contact between firing strokes.

Reconsideration and allowance of claim 1, as well as claims 2-4, 6, 9-14, and 20-22 that depend therefrom, is respectfully requested.

Turning to independent claim 16, the claim as amended recites in part a frictionally biased pawl that is rotated into and out of engaging contact with a rack by a biasing wheel attached to a shared axle, the biasing wheel turned in accordance with firing or return motion of a firing control by contacting a friction surface attached to the handle.

For the reasons given above for claim 1, claim 16, as well as claims 17 and 18 that depend therefrom, is not anticipated by Mastri, nor unpatentable over, the cited reference. Reconsideration and allowance is respectfully requested.

Turning to independent claim 19, the claim as amended recites in part a firing means that frictionally converts an opposite return motion to an opposite rotation motion of a pawl out of contact with a rack to eliminate ratchet noise. Structure that performs this function is omitted from the cited reference of Knodel as well as the other cited references, nor is the advantage of avoiding pawl contact taught or suggested by these references. Consequently, reconsideration and allowance of claim 19 is respectfully requested.


CONCLUSION

In light of the amendments and remarks made herein, it is respectfully submitted that the claims currently pending in the present application are now in form for allowance. Accordingly, reconsideration of those claims, as amended herein, is earnestly solicited. Applicants encourage the Examiner to contact their representative David Franklin at 513-651-6856 to answer any questions or concerns.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Account No. 06-2226.

Respectfully submitted,

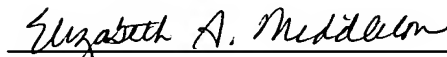
Jeffrey S. Swayze et al.

By 
David E. Franklin
Registration No. 39,194
Attorney for Applicant(s)
FROST BROWN TODD LLC
2200 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6856
dfranklin@fbtlaw.com

CERTIFICATE OF MAILING

I hereby certify that a copy of this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 20, 2005


Elizabeth A. Middleton